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June 16, 2025

Via ECF

The Honorable Judge John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED**

6/17/25 *John G. Koeltl.*
John G. Koeltl, U.S.D.J.

Re: *NCR Voyix Corporation v. Embarcadero Technologies Europe Limited*; Case No. 1:24-cv-04458-JGK

Dear Judge Koeltl,

We represent defendant and counterclaim plaintiff Embarcadero Technologies Europe Limited (“Embarcadero”), and we write, pursuant to Section VII of the Court’s Individual Practices to respectfully request the Court’s permission to seal, in connection with Embarcadero’s Reply in Further Support of its Motion for Summary Judgment, Embarcadero’s Reply Memorandum of Law in Further Support of its Motion for Summary Judgment solely to redact (1) quotations from emails produced by NCR in discovery and stamped as confidential (the “Confidential Documents”), (2) quotations from the parties’ March 31, 2023 Settlement and Release Agreement (“SA”), and (3) quotations from the Declaration of Stephen Ball in Opposition to Plaintiff and Counterclaim Defendant’s Motion for Summary Judgment (ECF 114) (the “Opposition Ball Decl.”).

Section 8 of the SA includes a confidentiality provision that designates the entire agreement as confidential, and, as relevant here, the SA contains significant commercially sensitive terms, including a settlement amount payable under the SA and specifically negotiated license pricing terms. Notably, the Court has already permitted the SA to be filed under seal in this litigation. *See* ECF No. 15.

Quotations from the Opposition Ball Decl. are redacted to prevent disclosure of commercially sensitive information regarding Embarcadero’s technology. *See BakeMark USA LLC v. Negron*, 23-CV-2360, 2024 WL 182505, at *2 (S.D.N.Y. Jan. 16, 2024) (“[C]ourts in this District routinely permit parties to seal or redact commercially sensitive information in order to protect confidential business and financial information.”). The Court has also already permitted the Opposition Ball Decl. to be filed under seal in this litigation. *See* ECF No. 116.

Pursuant to Section 16 of the Agreed Protective Order (ECF No. 37), Embarcadero seeks to redact quotations from the Confidential Documents in the first instance to give NCR an opportunity to move to seal them.

Undersigned counsel met and conferred with opposing counsel, who have consented to this application.

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We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Christopher A. DeGennaro
Christopher A. DeGennaro